



Licensing Act 2003: Application for Review of Premises Licence

Noisily Festival Ltd, Terrace Hills Farm, Belvoir Road, Eaton, Grantham, NG32 1SN

Corporate Priority:	Connected with and led by our community
Relevant Ward Member(s):	Long Clawson & Stathern – Councillor Christopher Evans and Councillor Simon Orson
Date of consultation with Ward Member(s):	1 February 2024
Exempt Information:	No

1 Summary

This report provides information for Members when determining the application for a review of the premises licence MMA0324 held by Noisily Festival Ltd on land owned by Belvoir Castle, known as Terrace Hills Farm, Belvoir Road, Eaton, Grantham, NG32 1SN. This Premises Licence allows for an annual four-day festival for up to 14,999 persons. Members will be required to consider the information presented and determine the review application, by taking such steps it considers appropriate for the promotion of the Licensing objectives.

2 Recommendations

- 2.1 It is recommended that the Sub-Committee have regard to the review application, all relevant representations, to Melton Borough Council's Licensing Policy, all relevant statutory provisions, statutory guidance, and the options set out in this report in making a reasonable and proportionate determination, which will promote the Licensing objectives.

3 Key Factors

3.1 Reason for Committee Determination

The Licensing Act 2003 (the 2003 Act) came into force in November 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club or to the order of a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each objective is of equal importance.

3.2 The 2003 Act states that promotion of the four objectives is paramount at all times.

3.3 Section 51 of the 2003 Act allows interested persons, and responsible authorities to make representations in favour or against the review of a premises licence. Where an application for review is received, the Act states that a hearing must be held before determining the application, together with any relevant representations that have been received.

4 Report Details

4.1 Noisily Festival Ltd applied for a premises licence within the Melton Borough in November 2021, having previously held the event at Noseley Hall, Billesdon, Leicestershire. During the consultation period representations were received so the matter was heard by the Licensing Sub-committee on 17 January 2022. The application was rejected by Members as they were not satisfied that the applicant had demonstrated how they would promote the licensing objectives specific to this site and proposed capacity.

4.2 Noisily Festival Ltd appealed the decision and this went to Leicester Magistrates Court on 26 July 2022 where a Court Order was issued vacating the case and endorsing a consent order to allow the licence to be granted.

4.3 As a result, premises licence MMA0324 was issued on 26 July 2022 allowing an annual, four-day music festival including camping for 14,999 persons (**Appendix A**). The plan to accompany this licence is presented as **Appendix B**. The first event took place under the new premises licence between 06-09 July 2023.

4.4 The next annual event is scheduled to take place between 11-14 July 2024.

4.5 The premises licence allows for:

Exhibition of films, performance of live music, playing of recorded music, performance of dance, entertainment of a similar nature, Late Night Refreshment (all indoor and outdoor) and supply of alcohol for consumption on the premises

Thursday: Noon – 04:00 am

Friday: 10:00 am – 05:00 am

Saturday: 10:00 am – 05:00 am

Sunday: 10:00 am – Midnight

Opening hours

Thursday – Sunday: 10:00 – Midnight

- 4.6 During and after this event, Melton Borough Council’s senior leadership team were contacted by Local Councillors as well as residents raising concerns regarding traffic, noise and general disruption to the rural environment.
- 4.7 A meeting was held at Melton Borough Council on 08 November 2023 where Noisily event organisers met with local ward and parish councillors and members of Melton Borough Council’s senior leadership team, to discuss concerns regarding the 2024 event.
- 4.8 On 09 January 2024 Melton Borough Council’s Licensing team received a premises licence review application from Parish Councillor Cherry Underwood (**Appendix C – C xiii**).
- 4.9 This was advertised around the premises location in the form of blue notices (**Appendix D**) and on the Melton Borough Council Website.
- 4.10 The 28-day statutory consultation period took place between 10 January 2024 – 06 February 2024.
- 4.11 During this time, the first Safety Advisory Group (SAG) also took place on 17 January 2024 to discuss the 2024 event.

5 Summary of the Application:

- 5.1 The premises licence review application from Stathern Parish Councillor, Cherry Underwood relates to all four of the licensing objectives:
- 1) The prevention of crime and disorder – citing the death of a sub-contractor.
 - 2) Public safety – citing traffic management – mud on the road, incomplete/inappropriate signage and poor attention to dynamic traffic management.
 - 3) The prevention of public nuisance – citing noise.
 - 4) The protection of children from harm – citing the boundary to the festival was not complete and secure.

6 Relevant Policies

- 6.1 This review application must be considered in accordance with the Melton Borough Council’s ‘Licensing Act 2003, Statement of Licensing Policy 2022’.

7 Representations

- 7.1 Following display of the notice of review, there is a 28-day statutory consultation period for review applications. During this time, representations can be made relating to the licence under review.

- 7.2 Each of the responsible authorities have been served a copy of the review application, namely; the Police, Fire Authorities, Home Office, Trading Standards Department and the District Council's Health and Safety, Environmental Protection and Planning sections.
- 7.3 One of the responsible authorities, namely Melton Borough Council's Environmental Health team submitted a representation.
- 7.4 Other persons are also able to make representations, which must meet specific legal requirements, must not be frivolous or vexatious and relate to at least one of the four licensing objectives. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing. All the representations in this report have been considered by the Licensing Officers and determined to have met the requirements of the 2003 Act.
- 7.5 19 representations were received for this application. One of these wants to remain neutral. Two other representations were not accepted; one was withdrawn as it related to a different event and one only had suggested conditions but no information that related it to the licensing objectives. A summary of all the representations is outlined below and copies of all the representations can be found at (**Appendix E**).
- 7.6 **A Gurr – Appendix E(1)**
- The representation received from Mr A Gurr relates to 1 of the licensing objectives, namely prevention of public nuisance.
- 7.7 **Barkestone, Plungar and Redmile Parish Council – Appendix E(2)**
- The representation received from Barkestone, Plungar and Redmile Parish Council relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- 7.8 **D Shores – Appendix E(3)**
- The representation received from Mr D Shores relates to 1 of the licensing objectives, namely prevention of public nuisance.
- 7.9 **L Shores – Appendix E(4)**
- The representation received from Ms L Shores relates to 3 of the licensing objectives, namely, public safety, prevention of public nuisance and protection of children from harm.
- 7.10 **G Pear – Appendix E(5)**
- The representation received from Mrs G Pear relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- 7.11 **S Jackson – Appendix E(6)**
- The representation received from Mr S Jackson relates to 1 of the licensing objectives, namely prevention of public nuisance.
- 7.12 **A Schofield – Appendix E(7)**
- The representation received from Ms A Schofield relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- 7.13 **Belvoir Parish Council – Appendix E(8)**

The representation received from Belvoir Parish Council relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.14 Bottesford Parish Council– Appendix E(9)

The representation received from Bottesford Parish Council relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.15 Denton Parish Council – Appendix E(10)

The representation received from Denton Parish Council relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.16 D Hickling – Appendix E(11)

The representation received from Mrs Hickling relates to 1 of the licensing objectives, namely prevention of public nuisance.

7.17 Eaton Parish Council – Appendix E(12)

The representation received from Eaton Parish Council relates to 3 of the licensing objectives, namely prevention of crime and disorder, public safety and prevention of public nuisance.

7.18 Environmental Health– Appendix E(13)

The representation received from Melton Borough Councils Environmental Health team relates to 1 of the licensing objectives namely prevention of public nuisance.

7.19 K Davies (My Melton) – Appendix E(14)

The representation received from Ms K Davies from My Melton who wishes to remain neutral in her comments, related concerns regarding 1 of the licensing objectives namely public safety.

7.20 Cllr C Evans – Appendix E(15)

The representation received from Cllr Evans relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.21 L Porter – Appendix E(16)

The representation received from Ms L Porter relates to 3 of the licensing objectives, namely prevention of crime and disorder, public safety and prevention of public nuisance.

Tin and Wood Ltd - S Pell – Appendix E(17)

The representation received from Ms S Pell relates to 3 of the licensing objectives, namely prevention of crime and disorder, public safety and prevention of public nuisance.

7.22 Anonymous – Appendix E(18)

The representation received from a person who wishes to remain anonymous relates to 1 of the licensing objectives namely prevention of public nuisance.

7.23 J Robson – Appendix E(19)

The representation received from J Robson relates to 1 of the licensing objectives namely prevention of public nuisance.

8 Policy & Guidance Considerations

- 8.1 Members must consider all relevant representations and any additional information in support of these which is offered at the hearing. Members are reminded that whenever they make a decision under the 2003 Act, they have a duty to act with a view to promoting the licensing objectives.
- 8.2 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.
- 8.3 The application should be considered on its merits and any decision should be reasonable and proportionate.
- 8.4 In making its decision, Members are also obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the 2003 Act.

Guidance:

- 8.5 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relating_to_off_sales.pdf
- 8.6 Officers consider that the following paragraphs may have a bearing upon the application;
- 1.1 to 1.5 (the licensing objectives summary),
 - 2.1 to 2.10 (crime and disorder, public safety),
 - 2.15 to 2.22 (public nuisance) – of particular note
 - 2.20 'It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter'.
 - 2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
 - 3.1 to 3.2 (summary of licensable activities),
 - 3.11 (regulated entertainment),
 - 8.41 to 8.49 (steps to promote licensing objectives),
 - 8.69 to 8.73 (licensing conditions),
 - 8.80 to 8.87 (advertising applications),
 - 10.1 to 10.10 (conditions attached to premises licenses)
 - 11 (Reviews) – this is of particular relevance to this application
 - 14.1 to 14.3 (local statement of licensing policy).

Officers will advise members of any other provisions which may be relevant to matters raised at the hearing.

8.7 The Council's own Statement of Licensing Policy can be found online at:

Policy: <https://www.melton.gov.uk/media/hbjawxhz/statement-of-licensing-policy-2022-002.pdf>

9 Other Relevant Considerations:

9.1 The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Melton Borough) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of all parties to this Hearing. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

Members are reminded that whenever they make a decision under the 2003 Act, they have a duty to promote the licensing objectives. When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.

9.2 Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

9.3 Members are advised that if a licence remains in place, statutory consultees are consulted with in the form of a Safety Advisory Group (SAG) prior to the event. During this time, they have the opportunity to comment on plans with the organiser and offer advice in their field of specialism. Those bodies may not change the content of any licence granted, however each has its own statutory powers, which can also be used if appropriate to promote the safe running of the event.

10 Options available:

10.1 Members are required to have regard to the review application and any relevant representations and determine which of the following steps they consider appropriate for the promotion of the licensing objectives. On considering the merits of the premises licence application before them, section 52 (4) of the 2003 Act gives the Sub-Committee options to:

- (i) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition),
- (ii) exclude a licensable activity from the scope of the licence,
- (iii) remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management
- (iv) suspend the licence for a period not exceeding three months;
- (v) revoke the licence.

Members may also choose to take no further to promote the licensing objectives.

11 Consultation & Feedback

- 11.1 The consultation period commenced on 10 January 2024 for 28 days, ending on 06 February 2024. During this time all the statutory consultees were provided with a copy of the application for their consideration.
- 11.2 During this period, 19 representations were received as detailed in the body of the report (section 7) and listed in (**Appendix E**).

12 Next Steps

- 12.1 The Sub-Committee is allowed a period of 5 working days following the hearing to make a decision however, a decision is usually made at the end of the hearing itself and communicated orally to the parties. Written notice of that decision must then be given to the parties.
- 12.2 The Sub-Committee should note that the applicant does have the right of appeal within 21 days of being notified of the decision.

13 Financial Implications

- 13.1 There are no direct financial implications. However, recent work on managing the licence for events and festivals in the Vale of Belvoir has highlighted the need for this additional technical resource. There are more and more events being planned during the year that generates complaints from the local communities. Managing the process requires additional resources, capability and capacity within the team however, this is not a matter which is relevant to the decision to be made by Sub-committee.

Financial Implications reviewed by: Assistant Director for Resources

14 Legal and Governance Implications

- 14.1 The Council is the licensing authority for the purposes of the 2003 Act.
- 14.2 In accordance with the 2003 Act, the Council has delegated its licensing functions to its Licensing Committee, Sub-Committees and Licensing Officers and as stated above, the Committee or a Sub-committee must hold a hearing before making a decision on a review application.
- 14.3 Any decision must be taken, following consideration of the application and representations received, with a view to promoting the licensing objectives stated at paragraph 3 above. When making its decision the Sub-committee must have regard to the Statutory Guidance issued under the 2003 Act, relevant parts of which will be referred to during the hearing. The Sub-committee must also have regard to the Council's Statement of Licensing Policy, relevant parts of which will be referred to during the hearing.
- 14.4 Any of the parties involved may, if they are unhappy with the outcome of this hearing, appeal to the Magistrates' Court within 21 days of being notified of the decision.

Legal Implications reviewed by: Monitoring Officer

15 Equality and Safeguarding Implications:

- 15.1 There are no equality implications arising directly from this report.

16 Community Safety Implications:

- 16.1 The community safety implications raised in the representations regarding traffic, drugs policy and access to site would normally be considered by the Safety Advisory Group (SAG) using the licence holder's traffic management plans and security management

plans, submitted by the organiser prior to the event in addition to any decision made by this Sub-committee.

17 Appendices

- 17.1 A – Current premises licence
- 17.2 B – Plan to accompany the licence
- 17.3 C – Review application
- 17.4 C i- xiii - Documents supporting review application
- 17.5 D – Blue review notice
- 17.6 E - Representations

Report Author:	Sarah Flower – Licensing & Compliance officer
Report Author Contact Details:	01664 502384 licensing@melton.gov.uk
Chief Officer Responsible:	Pranali Parikh
Chief Officer Contact Details:	01664 504321 PParikh@melton.gov.uk